

## Butte Department.

### FIRE CHIEF WERNER

He Will Be Recommended to the Mayor for Reappointment.

THE FIGHT IS FAIRLY ON

Manager Gilbert Makes a Statement of His Side of the Case to the Committee - He Cautions Werner's Report.

The fire committee of the council last evening accepted the challenge of the fire insurance agents and recommended to the mayor that he reappoint A. J. Werner as fire chief at to-night's meeting of the council. Whether or not the appointment will be confirmed and in the event that it is, whether or not the threatened raise of 25 or 50 per cent will be made in insurance rates remains to be seen. The fight is now fairly on, and every future development will be watched with a great deal of interest. Aldermen Bausman, Cannon, Leggat, Montgomery and Davey, who constitute the fire committee, were all present at 8 o'clock last evening and there was a general air of expectancy around the city hall. Mayor Thompson and Alderman Knowlton, Chief Werner, C. R. Gilbert, manager of the Montana board of fire underwriters, and several special agents of insurance companies were also present. The special agents listened attentively to all that was said, but took no part in the proceedings, allowing Mr. Gilbert to speak for them.

Chairman Bausman called the meeting to order and Mr. Gilbert secured permission to make a statement. "I would like to have my own position and the position of the insurance companies understood in this matter," said Mr. Gilbert, "for the reason that it seems to have been misunderstood by some people. It should be understood that we have not been attempting to dictate the appointment of a fire chief. The communication which the insurance agents addressed to the mayor and council was merely a business proposition. The fire insurance companies expect the municipality to protect their interests, and if it does not do it there is a way for them to do it, of course."

Mr. Gilbert then took up Mayor Thompson's open letter and proceeded to pick it to pieces. "I told the mayor," he said, "that I doubted the correctness of the chief's annual report and that if convenient and possible I would be glad to furnish him with proof of its inaccuracies. I told him, however, that I would have to secure statements from the head offices of the companies in San Francisco, Chicago and Denver, and that I was not sure that I could get the figures, so I made my promise a conditional one. I gave as some of my reasons for our position to the retention of the present chief that the ability of a man to keep a complete record of the operations of the department does not prove his ability to fight fires. Neither would the loss ratio prove his ability, inasmuch as in several towns which are smaller than Butte and which are without fire protection, the loss ratio is less than it is in Butte. There are frame buildings as close together in these towns and the hazard is just as great as it is in Butte. What I said in regard to the letter which the agents sent to the council was that no agent could conscientiously withhold his signature from the statement as they were all familiar with the facts and conditions. I have no agents and the agents are under no obligations to me, but are free to do as they see fit."

In explaining why he did not present evidence of inaccuracies in the chief's report, Mr. Gilbert said that after considering the matter he had concluded that the companies would see that the figures could have no bearing on the case and would refuse to furnish them. He thereupon wrote the mayor that these figures would not be furnished. Mr. Gilbert then took up the fire chief's corrected report and made the following statement in regard to it:

On July 2 there was a fire at the Montana Union depot. The report states that the loss was \$1,500, and that the company carries its own insurance. The Montana Union is insured in the Liverpool, London & Globe, and they paid approximately \$3,000 to the Montana Union last year. There was also an individual loss of \$408 in the fire at the depot. July 28, fire on Jefferson street near J. L. C. mine. Report places the loss at \$15 and says that no claim was made to insurance company. I find that insurance of \$11.30 was paid on Aug. 16; fire at E. H. Sherman's in East Park street. Loss placed at \$125 and insurance at \$75. The actual insurance paid was \$85. On Oct. 1, fire at Jerry Harrington's, loss \$300; no insurance. I find that insurance of \$198.50 was paid. On Oct. 30, fire at Sherman's warehouse. Loss \$6,500; insurance, \$6,224. I find that the insurance companies paid \$8,156. On Dec. 2, fire in Lewisohn block; loss and insurance placed at \$35. Insurance of \$221.70 was paid. On April 22, fire at California brewery. Report says that loss was \$22 and no claim for insurance. Insurance of \$96 was paid. On Sept. 7, insurance of \$24.35 was paid to Adolph Weinstein of West Granite street. There is no record in the report of such a fire. On Aug. 7, Charlotte Cassidy was paid \$52.75 for the destruction of a frame house at No. 641 East Helena street. One other dwelling was totally destroyed and a third one partially. There is no report of the fire. On Oct. 14, the State Savings bank was paid \$68.31 for damage to a building on J. street. But there is no record of the fire. I might have gone further with this investigation but I just ran across these cases without giving any time to it."

In conclusion and in reference to the mayor's statement that if the rates are raised the people will organize a local insurance company, Mr. Gilbert said: "The citizens of Butte are of course at liberty to take any action they see fit. But as for this being a bluff by the fire insurance companies nothing could be further from the truth. We are not attempting to dictate how you shall run the affairs of the city, but if the city does not protect our interests we shall most assuredly do so ourselves. Every alderman who votes for re-appointment of Chief Werner will be individually responsible for an increase of from 25 to 50 per cent. in the insurance rates."

The mayor had shown a feverish

anxiety to interrupt Mr. Gilbert, and as soon as he concluded he started in to cross question him and the following dialogue ensued:

The Mayor—When you first came to me about this matter, what objection did you present to Mr. Werner?

Mr. Gilbert—I can't remember my exact language. I objected to him on account of his poor work.

Mayor—Did you not say the chief's report was incorrect?

Mr. Gilbert—Yes, in my judgment.

Mayor—Did you not offer to furnish proof that it was incorrect?

Mr. Gilbert—With a proviso—as already stated.

Mayor—The city clerk was present and he heard no proviso; but we will let that pass. Did I not say that I would hold the appointment over for two weeks so that you could furnish the proof?

Mr. Gilbert—You offered to do so; I didn't request it.

Mayor—Did you not make the bluff that insurance rates would be raised 25 per cent if Mr. Werner was retained as chief?

Mr. Gilbert—I don't remember whether I said 25 or 50 per cent.

Mayor—Well, 25 per cent. is bad enough.

Mr. Gilbert—It was either 25 or 50 per cent.

Mayor—Did I not say that if you raised the rates it would be the best thing that could happen to the city?

Mr. Gilbert—You did.

Mayor—Did you make any effort to secure the facts and figures spoken of in relation to the chief's report?

Mr. Gilbert—I have already said that I did, and that after considering the matter I concluded that the companies would see that the figures had no bearing on the case and would refuse to give them. I immediately wrote you to that effect.

Mayor—Did it take you 10 days to arrive at that conclusion?

Mr. Gilbert—Just about. I thought over it a great deal. The letter was mailed early in the afternoon and copies of it were subsequently given to the morning papers.

Mayor—What was your object in doing that and in being interviewed on a matter that should have been conducted privately between you and me?

Mr. Gilbert—I hardly like to state.

Mayor—Be honest about it.

Mr. Gilbert—Well, as you force me to I will tell. Some time before that the fire insurance agents sent you a communication which was addressed to the mayor and council and it was pigeon-holed. Had it not been for the enterprise of two newspaper men, it is my opinion that the communication would never have reached the council. It was my desire to have everything made public that prompted me to do as I did.

At the mayor's request Mr. Gilbert outlined the duties of the special agents and said that it is their business to inspect the business and examine into the fire protection wherever they carry risks and that they are closer to the managers than anyone else. Then the dialogue was resumed.

Mayor—Have you written to the insurance companies in regard to Mr. Werner's alleged incompetency?

Mr. Gilbert—To some of them; not all.

Mayor—How many?

Mr. Gilbert—That is not relevant.

Mayor—Are these agents here at your instigation?

Mr. Gilbert—Emphatically no, sir.

Mayor—Did they come here through your information?

Mr. Gilbert—More emphatically, no, sir.

Mayor—Why did you introduce the special agents to reporters and have them interviewed?

Mr. Gilbert—To show you that I was not without backing in the stand I have taken.

This ended the cross-examination. Chief Werner then got the floor and explained the alleged discrepancies in his report to which Mr. Gilbert had called attention. He said that J. H. Calderhead had given him the figures on the Montana Union fire. Mr. Sherman gave him the figures on his two fires and an insurance agent gave him the figures on the Lewisohn fire. Jerry Harrington had told him that there was no insurance on his house. The Cassidy fire was away outside the city limits. There were no alarms for the fire on J. street or the Weinstein fire. The other figures had been secured from the owners.

Edgar Dayton, who was a committee of one from the volunteer firemen, urged the appointment of Chief Werner and Fred Dugdale as captain.

He said that the volunteers were not dictating, but that the volunteers believed them to be the best men. He said that the enemy of Rickards & Lewis and R. M. Cobban was due to the fact that the chief had made them put brick chimneys in about 25 frame shacks.

Mr. Gilbert stated in reply to Dayton that fire insurance rates were never based on fire losses. While the insurance agents did not consider that the department was fully equipped with apparatus they had never made any complaint on that score. There are a great many agents in the city, and everything that is heard on the streets should not be considered as coming from the insurance companies.

Knowlton inquired what specific objections the insurance men had to Chief Werner, and Bausman added that he might cite a great many instances in which, according to his idiosyncrasy, the chief's report was not handled properly. Then the question would come "give us proof." It was difficult to be specific unless the persons were present at a fire.

Bausman asked if Gilbert had attended fires during his residence in Butte, and he replied that he had.

No one had anything more to say and the committee settled down to business. Montgomery moved as the wisest way to settle the question that the whole matter be referred to the council in committee of the whole.

The mayor stated that such action would be out of order. He had said that he would appoint whoever the committee named, and he did not want to shirk the responsibility.

Bausman, Montgomery and Leggat favored giving Werner another trial. They thought he had been handicapped in the past and they wanted to see him given absolute control of the fire department. He would then have an opportunity to show what was in him, and if he did not give satisfaction his resignation could be asked for.

The mayor was of the same opinion. Davey thought that if Werner had allowed himself to be handicapped he was not the man for the place. He did not think him a fireman and he thought that his inefficiency had been shown. He did not like the idea of being de-

tated or bulldozed, but at the same time the fire committee should do its duty regardless of any action by the insurance agents. Montgomery moved that Werner be recommended for reappointment. Leggat seconded the motion and it prevailed. Montgomery and Leggat voted in the affirmative and Davey in the negative. Cannon did not vote. Fred Dugdale was recommended for appointment as captain by a vote of 3 to 1, Davey voting in the negative.

The mayor yesterday prepared the following letter in answer to some remarks made by the insurance men in regard to Mr. Werner:

"I have read in the Miner of June 1 an interview with agents of several fire insurance companies who are interested in insurance risks in our city. They claim to be sent here to survey the efficiency of the Butte fire department, and state that they are interested in the removal of Fire Marshal Werner from his present position."

"It appears that during the interview with Mr. Hopkins and his associates at the Butte hotel, they stated that they regard the retention of the present fire marshal as a menace to the liability of the companies they represent, which have insurance risks in Butte to the amount of \$10,000,000. They also stated without any equivocation that unless the present incumbent was removed, and an efficient man put in his place, the rates would be raised on all insurance."

"They say they are satisfied that the present chief is a man who is unable to realize the demands of the instant at a fire, and therefore unfit to be placed in the responsible position of an officer on whom devolves the extinction of a fire with the least loss to the individual and the companies."

In an interview to-day with Mr. Smith, one of the above agents, I asked where the information was obtained upon which they made the above assertions. He frankly told me that they procured the information from Mr. Gilbert, manager of the Board of Underwriters in Butte, who, of my own knowledge, has been making such statements and threats for the past month, and when I requested him to prove the same, he respectfully declined. I also requested Mr. Smith to bring the evidence before the fire committee on Tuesday night, who would investigate all charges brought before them, and would give a fair hearing to both sides, which, after some persuasion, he consented to do.

"The reporter further states that Mr. Wright and his associates reiterated the views of Mr. Hopkins, and were not at all averse to express themselves at length on the subject, and wished to be understood in this matter as not inclined to make any aggressive campaign against the fire chief, or any other person connected with the fire department. Yet they positively demand that the chief be not retained in his present position, on their own assertions, without any proof that they are correct."

"They also state that they were appointed to inspect and survey the apparatus of the department, the quality of the hose and the number of feet used in the work. Also to inquire into the adequacy of the force to manage the equipment for fire fighting. Now if this is their business in this city it is surprising that they did not apply to the city authorities for permission to make the required examination of all the apparatus of the fire department, so that they could make an intelligent report to the companies they represent as to the condition of the department and how it was conducted or managed. This would be a reasonable and businesslike course to pursue, but instead of pursuing this course, the first information we have of their presence in the city is an interview published in the Miner (suggested by the present manager of the Board of Underwriters), in which they state that the fire insurance companies' liabilities in Butte are \$10,000,000. If this is correct, it is further proof that it is about time the property holders were looking after the very large amount of money they are depositing with their 'friends' in the East to increase their wealth to such an extent that they may be able to dictate to them what the policy of the government should be as regards to its financial affairs. The premium on the \$10,000,000 would be not less than \$200,000 per annum, which would be a very handsome percentage on a large amount of capital stock for a home mutual fire insurance association."

"They further state that another cause of alarm is a total disregard of the fire ordinance of the city, and that in their opinion there is not a city in the country where the ordinances governing fires are so little enforced; where those in authority will permit frame buildings to be erected within the city limits in violation of the ordinance. Now as regards to those assertions they have not any information except the mere assertions of their underwriters, neither can they procure any proof of the assertions made. I have examined into the several cases which have been cited, and find there is no foundation for the assertions."

"In conclusion, they wind up their interview with the same old threat that if the council disregards the request of their companies, whether the same be reasonable or not, their only recourse is to 'raise the rates of insurance and force their demands in this way,' and state that this is the way they have enforced their demands in other cities, and always with success. How far this threat will go at present in this city remains to be seen."

Judge Stapleton Watched.

Judge Stapleton, one of the counsel for Louis Des Rivieres in the Old Glory mining case, was yesterday presented with a magnificent gold watch and chain by Mr. Des Rivieres in appreciation of his services in the trial of the case. Mr. Des Rivieres in presenting the elegant timepiece remarked that, in the business dealing he had with the judge he believed that he should be "watched."

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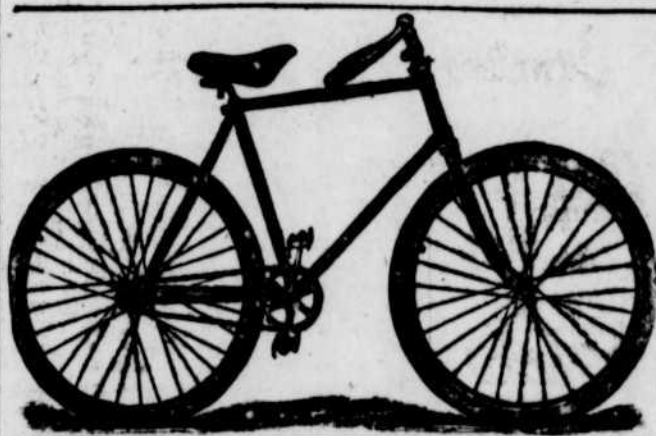
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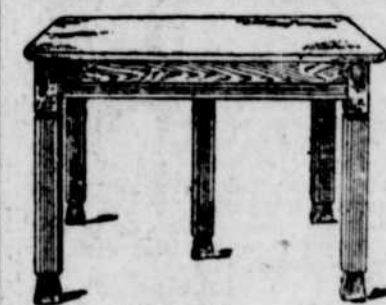
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